

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

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LB 271

CLERK: Senator Wickersham would move to return the bill.

PRESIDENT MAURSTAD: Senator Wickersham, you're recognized on your motion to return LB 271 to Select File.

SENATOR WICKERSHAM: Mr. President, I'm going to withdraw this motion after a couple of remarks. They are intended to address a particular issue that was brought to my attention. As you recall, there was an amendment adopted offered by Senator Kristensen which makes most of the...makes the bill, for all intents and purposes, effective for property after this coming tax year. In other words, it would be not until the year 2001 that any property would be taxed, governmental property would be taxed under the bill. There is, however, a provision in the bill that requires governmental subdivisions by January 31 to file with the appropriate county assessor, I should back up, that's applicable both to the state and governmental subdivisions, to file with the appropriate county assessor a copy of a lease in effect on January 1 of that year for property owned by the state or governmental subdivisions. Obviously, it is necessary to file leases in order to determine whether or not any property would be subject to tax under the terms of the bill. However, for the year beginning January 1, 2000, it is not necessarily sensible for the state or governmental subdivisions to file those leases because there could be no taxation of property and, in fact, there is no penalty for failing to file a lease as directed in the bill. Now whether governmental subdivisions or the state comply with the requirement that's in the bill, I expect they will make their own decisions about that. But in view of the fact that there would be no potential for taxation of the property, they may not wish to comply given the fact that there is no penalty. I think that it may be to their interest to comply, if they wish to do that, because, as you may recall, one of the reasons for the delayed effective date was to give us time to examine what the potential impact would be. There would be no way of even beginning to assess the impact on individual instances if...unless a lease is filed and unless a discussion is had with the county assessor so that we might be able to determine what various governmental subdivisions and the state are doing in given instances. But the essential point is that the requirement is in the law to file a lease by January 31 of next